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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/531,154 03/17/00 CHANG

C 3078/25

EXAMINER

QM12/0206

DOUGHERTY AND TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH VA 22041

FOSTER, J

ART UNIT

PAPER NUMBER

3728

DATE MAILED:

02/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/531,154

Applicant(s)
Wong et al.

Examiner
J. Foster

Group Art Unit
3728



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 10-11, the limitation, "when said bottom seat is produced by injection molding" makes it unclear whether every limitation occurring after "being characterized in that" (line 7) is positively recited structure in the claim or is some equivocal future characteristic.

In claim 1, line 10, the limitation, "for example" leads to confusion regarding what is actually being claimed. See MPEP 2173.05(d).

In claim 1, lines 14-15, the limitation "to omit extra CD deck between said top cover and said bottom seat" makes no sense.

In claim 1, lines 15-18, the limitation, "and accordingly largely reduces an overall height or thickness of said CD case as well as costs for making and transporting said CD case and compact disc stored therein" is indefinite as being comparative in nature but failing to be compared to specific different height and thickness structure and therefore cost.

The limitation in claim 1, line 18, "and compact disk stored therein" makes it unclear whether Applicant is positively reciting a CD as structure in the case.

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In claim 2 there is no antecedent basis for the first, second and third protective means, and it is unclear what relationship these protective means have with respect to the plurality of protective means introduced in lines 9-10 of claim 1.

In claim 3, line 20, the limitation, "preferably" leads to confusion regarding what is actually being claimed. See MPEP 2173.05(d).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kownacki (5,238,107). In the reference of Kownacki an injection molded case is disclosed. It includes a bottom portion/bottom seat 12 and a top cover/top portion 14 which is pivotally attached to said bottom seat 12. The bottom seat includes a manually operable release means/central holding means 30 (see Fig. 4). Pedestal 18 defines a first protective means; stabilizing supports 25 define a second protective means; and the circumferential rib 20 (see col. 3, line 66 through col. 4, line 1) defines a third protective means.

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The central holding means 30 includes plural catch pawls 28,30 defined by spaced cuts 33 in a short hollow cylinder (see Fig. 4).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kownacki (5,238,107) in view of Clemens (4,903,829) and Chang (6,016,829). At curved ridges 24 Chang suggests, by example, making peripheral CD supports as inner and outer rings. It is apparent that making the inner supporting portion of the curved ridges as an inner ring portion would provide more peripheral support to the CD as compared to radial stabilizing supports. Accordingly it would have been obvious in view of Chang et al have replaced the stabilizing supports 25 of Kownacki with inner circumferentially curved ribs of the kind used by the inner ledge of curved ridge 24 of Chang, for the purpose of supporting a greater extent of the periphery of the compact disk.

The reference of Clemens at 80 suggests employing a rib to support the inner periphery of a compact disc. It is apparent

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that a rib would contact less of the surface of the compact disc than would a disk-like pedestal, avoiding destructive/scratching type contact with a greater width portion of the optical surface. Accordingly, it would have been obvious in view of Clemens to have substituted a ring support in place of the pedestal support 18 of Kownacki, to reduce destructive contact with a greater width portion of the compact disc.

6. Claims 3-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. For contacting the PTO by phone, the following contact numbers may be used:

For tracking of papers and association of papers with cases --
Clerical supervisors:

Customer Service. . . (703)306-5648

For matters regarding examination -- Examiner:

Jim Foster (703)308-1505

For faxing of correspondence:

Draft amendments only-(703)308-7769

(Examiner should be notified of fax)


Formal correspondence-(703)305-3579 or 305-3580

For petitions:

Before the Examiner . (703)308-1505

Before the Director . (703)308-3872

Other petitions . . . (703)305-9282


JIMMY G. FOSTER
PRIMARY EXAMINER
GROUP 3720

2/5/01

JGF
February 5, 2001